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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,097	04/02/2004	James E. Broberg	Y4.0012	2124
29438	7590	09/12/2005	EXAMINER	
MATHEW R. P. PERRONE, JR. 210 SOUTH MAIN STREET ALGONGUIN, IL 60102-2639			COLLINS, TIMOTHY D	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/817,097

Applicant(s)

BROBERG, JAMES E.

Examiner

Timothy D. Collins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 is/are allowed.
- 6) ☒ Claim(s) 1,3-12 and 14-20 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because of the numerous errors and omissions seen below as well as the line quality and inconsistent sizing of the reference numbers in the figures. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 118, 110, 108 and others not mentioned here. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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a. NOTE: the numbers which are incorrectly listed in the description are numerous and therefore the entire specification must be checked for accuracy with the drawings and corrected.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "126" has been used to designate both the cap nut in the specification and the control arm in the figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

b. NOTE: This is just an example of the inconsistency of the specification and figures, and therefore the applicant is required to make a detailed review of the spec and figures for accuracy.

***Oath/Declaration***

4. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The Oath is not dated near the signature and name of the applicant.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 3-12 and 14-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claims 3 and 14 it is unclear exactly how the first and second short clamping members can be on the same side of the component. The examiner takes the limitation of the letter "c" of the claim to mean that the threaded base member and the second short clamping member are on the second side of the component.

7. Claims 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear from the specification and claims as well as the figures if the applicant has two separate pieces which are called the "threaded rod" and the "fastening member". From the figures it appears that the applicant only has one object which can be inserted through the other objects of the figures and claims. Therefore for the purpose of examination on the merits the

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examiner takes the "threaded rod" to be the same object as the "fastening member", in claim 18.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's disclosed prior art of utilizing control arms attached to angled surfaces via a clamping member and shims or inserts (as seen in applicant's specification at the end of page 1 and first paragraph of page 2, hereinafter called PRIOR), in view of USPN 3422721 to Yonkers (hereinafter called 721).

c. Re claim 1, PRIOR discloses control of a model aircraft with a control arm and clamping means, however PRIOR does not disclose a threaded locking member, positioning means for a threaded rod or that the control arm is mounted to the treaded rod. PRIOR discloses mounting the control arm to non-parallel surfaces and that this is a problem to be solved. However 721 teaches of mounting a threaded rod on two non-parallel surfaces and solves the problem of a sturdy and reliable fit through the use of positioning means (16) and a threaded locking member (12), as well as a threaded rod (bolt as seen in approximately

11a), all as seen in figure 5 and 2 as well as in column 3 at lines 14-17. The positioning means (16) as seen in figures 1 and 5 shows that it controls the position of the threaded rod (11a) by holding it at the correct angle for a tight fit against the non-parallel sides of the surfaces. Also the threaded locking member 12 controls the position of the threaded rod as well by holding the threaded rod against the positioning means (16). Therefore it would have been obvious to one of ordinary skill in the art to have applied the teachings of 721 into the device of PRIOR so as to allow for the easy, simple and secure mounting of control arms and other devices on non-parallel surfaces as taught by 721. Then from the above it can be seen that the combination would allow for the control arm of PRIOR to be mounted on this bolt type arrangement of 721 for a secure fit against the non-parallel sides. In this combination it can be seen that the control arm being mounted to the threaded rod of 721 would also be controlled by the threaded locking member because the threaded locking member controls the position of the threaded rod in conjunction with the positioning means (16).

d. Re claim 18, the method of installing the control horn on an RC vehicle is evident from the figures and the above combination as seen in the rejection of claim 1. The limitations of section "a" can be seen in the above rejection. Also PRIOR in view of 721 as applied above discloses placing a first part of the positioning means (16) on a first part of the component, and placing a second part of the positioning means on the second part of the component can be seen in figure 5 at least in that numbers 16 are each on a side of the component.

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(approximately 13). Also disclosed is "placing a fastener (11a) sequentially through the first part (the bottom 16) and then the component (13) and the second part (top 16). PRIOR as modified above also discloses adjusting the first part and second part in position relative to the fastening member in that the angle of the parts must be aligned with the surfaces and the holes through them must be aligned relative to the fastening member (bolt 11a). PRIOR as modified discloses controlling a position of the threaded rod member through the use of the locking member 12 which holds the threaded rod in place and also secures the fastening member through the component to the first part and second part. NOTE: the examiner takes the threaded rod and the fastening member to be the same object.

***Allowable Subject Matter***

10. Claim 13 is allowed.
11. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
12. Claims 3-12, 14-17 and 19-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.



***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art discloses non-parallel fastening and aircraft control.

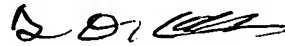
- e. USPN 5697650
- f. USPN 3382630
- g. OMNI Models
- h. Tower Hobbies Dubro Heavy Duty Control Horn
- i. Dubro.com Catalog

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy D. Collins whose telephone number is 571-272-6886. The examiner can normally be reached on M-F, 7:00-3:00, with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy D. Collins  
Patent Examiner  
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